

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GERARD A. SABATKA,

Plaintiff,

v.

NRG ENERGY, INC.,

Defendant.

Case No. 8:15-cv-310

**ORDER COMPELLING PLAINTIFF TO
FURTHER RESPOND**

On November 28, 2016, the parties participated in a telephonic conference with Magistrate Judge Zwart regarding Defendant NRG Energy, Inc.'s contemplated motion to compel Plaintiff's further response to discovery. Defendant NRG Energy, Inc. ("NRG") was represented by Kasey M. Cappellano of Kutak Rock LLP, and Plaintiff Gerard A. Sabatka was represented by Ray Aranza of Walentine, O'Toole, McQuillan & Gordon, L.L.P. Pursuant to the information provided by the parties during the conference, the Court orders that, by December 22, 2016:

1. Plaintiff identify with specificity, preferably by Bates number, the particular documents he asserts are responsive to each of NRG's Interrogatories and Requests for Production, if any, specifically including Interrogatories Nos. 3, 4, 6, 7 and 12, and Requests for Production Nos. 1-3, 6-7, 15-16, 20-27, 29 and 35-36;

2. To the extent that no documents responsive to any particular Interrogatory or Request for Production exist or are within Plaintiff's possession, custody or control, Plaintiff update his responses to each Interrogatory or Request for Production to state as much;

3. Plaintiff update his responses to Interrogatories Nos. 4 and 6 to identify any verbal or otherwise unwritten communications he recalls which are responsive to these Interrogatories, or to state that he has no recollection of any such verbal or otherwise unwritten communications responsive to Interrogatories Nos. 4 and 6; and

4. Plaintiff update his response to Interrogatory No. 12 to provide all responsive information regarding any alleged damages and facts substantiating the computation.

Dated this 15th day of December, 2016.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Cheryl Zwart", is written over a horizontal line.

CHERYL ZWART, Magistrate Judge